

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

Adopted on January 28, 2008

An audio recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.

Regular Meeting

Monday, December 3, 2007, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order in honor of LAFCO Commissioner Supervisor Jerry Smith, by Chair DiMaggio at 4:06 p.m. in the Monterey County Board of Supervisors Chambers. Chair DiMaggio requested all to join him in a moment of silence in remembrance of Commissioner Smith following the Pledge of Allegiance. Chair DiMaggio led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner DiMaggio, Chair (*Public Member*)
Commissioner Armenta, Alternate (*County Member*)
Commissioner Darington, Alternate (*Public Member*)
Commissioner Donohue, Vice-Chair (*City Member*)
Commissioner Calcagno, (*County Member*)
Commissioner McGowan (*Special District Member*)
Commissioner Rubio, (*City Member*)
Commissioner Shirrel, Alternate (*Special District Member*)

Members Not Present

Commissioner Gourley, Alternate (*City Member*)
Commissioner Perkins, (*Special District Member*)
Commissioner Potter, Interim for Commissioner Smith (*County Member*)

Staff Present

Kate McKenna, AICP, Executive Officer
Thom McCue, Senior Analyst
Elliot Mulberg, Senior Analyst
Wendy Strimling, LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Chair DiMaggio deferred to Counsel Wendy Strimling who explained that she would be filling in for Frank Tiesen, and explained the rules and the need to add an item of existing litigation, Save Our Waterfront Committee VS. City of Monterey; City Council of the City of Monterey; Local Agency Formation Commission of Monterey County, et al., Respondents & Defendants: Cannery Row Marketplace, LLC, et al., Real Parties in Interest Superior Court Case Number M78054, as an Emergency Closed Session item.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Donohue, the existing litigation item, Save Our Waterfront Committee VS. City of Monterey; City Council of the City of Monterey; Local Agency Formation Commission of Monterey County, et al., Respondents & Defendants: Cannery Row Marketplace, LLC, et al., Real Parties in Interest Superior Court Case Number M78054, was added as an Emergency Closed Session item on this meetings agenda, unanimously.

Item 4: Minutes

4.a Approval of Minutes of the October 22, 2007 Regular LAFCO Meeting.

Upon Motion of Commissioner Rubio, seconded by Commissioner Armenta, minutes of the October 22, 2007 regular LAFCO meeting, were unanimously approved.

4.b Approval of Minutes of the November 19, 2007 LAFCO Budget and Finance Committee Meeting.

Upon Motion of Commissioner Rubio, seconded by Commissioner Donohue, minutes of the November 19, 2007 LAFCO Budget and Finance Committee, were unanimously approved.

4.c Approval of Minutes of the November 19, 2007 Special LAFCO Protest Proceeding.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Armenta, minutes of the November 19, 2007 Special LAFCO Protest Proceeding, were unanimously approved.

Item 5: Public Comment:

None.

Item 6: Commissioner Comment:

None.

Item 7 (a-b): Consent Agenda:

Executive Officer McKenna provided staff report.

There was no public or Commission comment for consent agenda items.

Upon Motion of Commissioner Rubio, seconded by Commissioner Donohue, consent agenda items: Accept Check Register for October 2007 and Receive List of Anticipated Future Agenda Items, were unanimously approved.

8: New Business

Chair DiMaggio blocked together, with no objection, all items listed on the Agenda under “New Business” into one single item, as these items were all related to financial matters.

8.a Consider Draft Year-End Financial Statement for Fiscal Year 2006-07.

8.b Consider Draft Audit for Fiscal Year 2006-07.

8.c Consider Draft First Quarter Financial Statement for Fiscal Year 2007-08.

Mike Briley of Hayashi and Wayland provided brief presentation on the Fiscal Year 2006-07 year-end financials and the First Quarter Financial Statement for Fiscal-Year 2007-08. Karen Campbell of Bianchi, Kasavan, and Pope provided presentation for the FY 2006-07 Year-End Audit.

There was no public present for comment during this Agenda Item.

Commission comment and action.

Commissioner Calcagno expressed concerns with LAFCO’s legal fees and questioned whether the revenue allocation formula would remain the same if the fees continue to increase.

Upon Motion of Commissioner Rubio, seconded by Commissioner Donohue, Financial Agenda Items 8.a-c: Year-End Financial Statement for Fiscal Year 2006-07, Audit for Fiscal Year 2006-07, and First Quarter Financial Statement for Fiscal Year 2007-08, were unanimously approved.

9: Executive Officers Report

Executive Officer McKenna and Sr. Analyst Thomas McCue provided an informational report regarding the current status of the Memorandum of Agreement between LAFCO, the County of Monterey, and the City of Greenfield.

Item 10: Correspondence

There were no additional items of correspondence.

Item 11: Closed Session

Pursuant to Government Code Section 54956.9 (a) – Existing Litigation

The Commission Conferred with LAFCO Legal Counsel Regarding the Following Items:

- (1) “Carmel Valley Forum, Inc. (Petitioner) vs. Local Agency Formation Commission of Monterey County (Respondent),”
Superior Court Case Number M83394**
- (2) “William Sims, Mark Spindler, Sharon Waller, and Valley Volunteers, Inc. (Petitioners) VS. Monterey County Local Agency Formation Commission also known as LAFCO of Monterey County (Respondent),”
Superior Court Case Number M79069**

- (3) Save Our Waterfront Committee VS. City of Monterey; City Council of the City of Monterey; Local Agency Formation Commission of Monterey County, et al., Respondents & Defendants:
Cannery Row Marketplace, LLC, et al., Real Parties in Interest
Superior Court Case Number M78054**

The meeting was called into closed session by Chair DiMaggio.

Chair DiMaggio reopened the meeting from closed session.

Counsel Strimling reported that the Commission had approved the substitution of Best, Best, and Krieger with Downey Brand for Closed Session Item 3 “Save Our Waterfront Committee VS. City of Monterey...”, and authorized the signature of a letter by the Executive Officer.

Item 12: Adjournment

On motion of Chair DiMaggio, there being no objections, the meeting was unanimously adjourned at 4:35 p.m. to the next regular LAFCO Meeting to be held on Monday, January 28, 2008 at 4:00 p.m. at the LAFCO Office, 132 W. Gabilan St., Ste. 102, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk